IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO,. 285 OF 2004

IN

CRIMINAL APPEAL NO. 485 OF 2003

The State of Maharashtra ..... Applicant.

versus

Ashok Baban Mhatre & ors ..... Respondents.

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Mrs. U.V.Kejariwal APP for State
Shri C.G.Gavnekar for Respondents 1 to 3.

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CORAM ; V.G.PALSHIKAR &
SMT. NISHITA MHATRE, JJ.

DATED; 19TH APRIL, 2005

P.C.;

1. Civil Application for condonation of delay allowed for reasons mentioned therein. Civil Application 1397/05 is directed against the order of acquittal passed by the learned trial Judge. The incident occured on the day of Ganesh Visarjan when score of people were there in the procession where bursting of crackers gave rise to a dispute, which resulted in some injury and consequently all the accused persons having been acquitted under section 323 and 324 of IPC.

2. The State has now come up in appeal of the acquittal of the accused on the ground of bursting of crackers and the violation at the place was with the intention of committing murder of someone. That having not been established, the acquittal is ordered. In such state of affairs, we see no reason to interfere. Application for leave rejected. For the same reason the application for enhancement is also rejected.

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